

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the matter of)	
)	
Allied Communications International, Inc.)	
)	ITC-214-20031121-00528
Application for Authority to)	
Provide International Voice and Data Service)	
Between the United States and Cuba Via Indirect)	
Switched Transit Through Mexico)	
)	

ORDER, AUTHORIZATION AND CERTIFICATE

Adopted: March 16, 2005

Released: March 17, 2005

By the Chief, Policy Division, International Bureau:

I. Introduction

1. We have under consideration the above-captioned uncontested application, filed by Allied Communications International, Inc. ("ACI"), requesting authority, pursuant to Section 214 of the Communications Act of 1934, as amended (the "Act"),¹ to provide international voice and data service between the United States and Cuba via indirect switched transit through Mexico. We grant the application subject to the conditions set forth herein.

II. Background

2. ACI is a wholly-owned subsidiary of Allied Communications, Inc., both of which are incorporated under the laws of the state of Delaware.² On November 21, 2003, ACI filed the above-referenced application seeking Section 214 authority to provide international voice and data service between the United States and Cuba via indirect switched transit through Mexico. We placed the application on Public Notice on January 9, 2004, and we received no comments or petitions to deny.³ We also informed the U.S. Department of State of the application.⁴ The U.S.

¹ 47 U.S.C. § 214.

² See Allied Communications International, Inc., File No. ITC-214-20031121-00528 (filed November 21, 2003), Attachments 1 & 2 ("Application"). ACI amended its application on December 18, 2003, December 24, 2003, and March 4, 2005.

³ Non Streamlined International Applications Accepted for Filing, Report No. TEL-00748NS (January 9, 2004).

⁴ Letter from James L. Ball, Chief, Policy Division, International Bureau, Federal Communications Commission, to Steven Lett, Deputy U.S. Coordinator, Office of International Communications and Information Policy, U.S. Department of State, dated December 24, 2003.

Department of State advised us on February 16, 2005, that it has no objection to the grant of the application.⁵

III. Discussion

3. In a letter dated July 22, 1993,⁶ the U.S. Department of State informed the Commission of the Executive Branch's policy guidelines for implementation of the telecommunications provisions of the Cuban Democracy Act of 1992, which provides that "telecommunications services between the United States and Cuba shall be permitted."⁷ Among the policy guidelines are the following requirements: (1) the proposals must have the potential to be operational within a year; (2) settlements must not be more favorable to Cuba than the current 50/50 split of the \$1.20 per minute accounting rate; (3) proposals must be limited to equipment and services necessary to deliver a signal to Cuba; (4) proposals must utilize modes of communications already in place between the U.S. and Cuba⁸; and (5) carriers shall report the number of circuits activated by facility on June 30 and December 31 of each year and on the one-year anniversary of the notification of the grant by the FCC in the Federal Register.

4. The application states that ACI will route its voice and data traffic via a Qwest point of presence in Miami, Florida to site facilities of Comsat International (also located in Miami). Comsat International will then route the traffic via network facilities made available by LANautilus, including Global Crossing's Mid-Atlantic Crossing, South American Crossing, and Pan American Crossing cable systems. Traffic will terminate at the LANautilus point of presence in Mexico City, Mexico, where it will be routed by Comsat International to the SatMex V satellite radio facilities, operating on C band.⁹ The traffic will then be downlinked to an international gateway, Teleport Caribe, in Havana, Cuba by ACI's foreign correspondent, Empresa de Telecomunicaciones de Cuba S.A. ("ETECSA").¹⁰ Applicant states that it will commence service using 2 MHz (30 64-Kbps voice grade circuits) of a total 2.5 MHz of allocated capacity.¹¹ Finally, Applicant requests that its grant of license preserve the option for it to modify its U.S. routing (*i.e.*, from the United States to SatMex V facilities) as business and/or technical considerations may

⁵ Letter to Donald Abelson, Chief, International Bureau, Federal Communications Commission, from Robert W. Boehme, Acting U.S. Coordinator for International Communications and Information Policy, U.S. Department of State, dated February 16, 2005.

⁶ Letter from Richard C. Beaird, Acting U.S. Coordinator and Director, Bureau of International Communications and Information Policy, U.S. Department of State, to James H. Quello, Chairman, Federal Communications Commission, dated July 22, 1993 (establishing Executive Branch policy guidelines for implementation of the telecommunications provisions of the Cuban Democracy Act of 1992). *See also* Letter from Ambassador Vonya B. McCann, U.S. Coordinator, Bureau of International Communications and Information Policy, U.S. Department of State, to Reed Hundt, Chairman, Federal Communications Commission, dated March 10, 1995 (addressing service via transiting arrangements). These letters are publicly available and may be viewed at <http://www.fcc.gov/ib/pd/pf/cuba.pdf>.

⁷ *See* 22 U.S.C. § 6004(e)(1).

⁸ Proposals utilizing new modes of communications will be reviewed by the appropriate agencies on a case-by-case basis, as stated in the Department of State letter. *See* Department of State Letter, dated July 22, 1993, at 2.

⁹ The Applicant states that SatMex V facilities presently handle correspondent traffic between Mexico and Cuba. *See* December 18, 2003 Amendment at 2.

¹⁰ *See generally* Application.

¹¹ *See* December 24, 2003 Amendment.

warrant, so long as any subsequent request to modify its U.S. routing will not involve facilities constructed for the specific purpose of routing traffic between the United States and Cuba.¹²

5. We find that ACI's application is consistent with the Executive Branch criteria for the provision of telecommunications service between the United States and Cuba.¹³ We also find that a grant of ACI's application will serve the public interest under Section 214 of the Act by increasing competition in the provision of service between the United States and Cuba and providing more choices to U.S. consumers. Upon consideration of the application and in view of the foregoing, we find that the present and future public convenience and necessity require a grant of the application, subject to the conditions set forth below and all current and future Commission regulations.

6. We also grant ACI's request for permission to modify its routing arrangement between the United States and SatMex V facilities in Mexico as business and/or technical considerations may warrant, so long as any subsequent modification does not involve facilities constructed for the specific purpose of routing traffic between the United States and Cuba. We require that ACI notify the Commission of any such routing changes within ten (10) business days of implementing those changes.

7. Accordingly, IT IS ORDERED that application File No. ITC-214-20031121-00528 IS GRANTED, and ACI is authorized to provide voice and data service between the United States and Cuba via indirect switched transit through Mexico, subject to the conditions set forth below and all current and future Commission regulations.

8. IT IS FURTHER ORDERED that the service authorized herein must be implemented within one year from the date of release of this order.

9. IT IS FURTHER ORDERED that ACI shall split 50/50 with ETECSA the \$1.20 per minute accounting rate for switched telecommunications services.

10. IT IS FURTHER ORDERED that ACI shall submit reports on or before June 30, and December 31, of each year, and on the one-year anniversary of the notification of the grant of this application in the Federal Register, indicating the number of circuits activated by facility.

11. IT IS FURTHER ORDERED that ACI shall file a Section 214 application for any additional circuits it proposes to establish between the United States and Cuba.

12. IT IS FURTHER ORDERED that ACI shall notify the Commission of any routing changes between the United States and SatMex V facilities in Mexico within ten (10) business days of implementing those changes.

13. IT IS FURTHER ORDERED that this authorization is subject to ACI's obtaining all necessary licenses and authorizations from the Departments of Treasury and Commerce.

14. IT IS FURTHER ORDERED that this authorization is subject to revocation without a hearing in the event the U.S. Department of State or the Federal Communications Commission determines that the continuation of communications between the United States and

¹² See March 4, 2005 Amendment.

¹³ See *supra* ¶ 3.

Cuba is no longer in the national interest.

15. IT IS FURTHER ORDERED that acceptance of this Authorization shall be deemed acceptance of the conditions set forth herein.

16. This order is issued under Section 0.261 of the Commission's rules and is effective upon release. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules may be filed within 30 days of the date of public notice of this order (*see* Section 1.4(b)(2)).

FEDERAL COMMUNICATIONS COMMISSION

James L. Ball,
Chief, Policy Division
International Bureau